

Appln. No. 10/637,211

Attorney Docket No. 10541-1810

## II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this Amendment, claims 10 and 14-23 remain pending. Claims 1-9 and 11-13 have been cancelled.

### *Claim Rejections – 35 U.S.C. §103*

Claims 3, 5-8 and 10-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication 2003/0053638 A1 to Yasuhara (Yasuhara) in view of U.S. Patent No. 6,212,282 B1 to Mershon (Mershon) and U.S. Publication No. 2002/0102949 A1 to Langer (Langer).

Claims 1-8 and 11-13 have been cancelled.

Claim 10 recites that the headphone is adapted to automatically send signals to the audio system over the two-way wireless communication link to change the switch of the audio system into a second mode when the power on control is activated, the second mode including the set of rear speakers being deactivated, the switch beginning transmission of an audio signal from the second output channel to the headphone, the controls of the headphone configuring the second output channel, and the front speakers continuing to receive audio signals from the first output channel.

The claimed system realizes a unique functionality that is not present in any of the prior art systems. Utilizing controls directly on the headphone, that power on the headphones, the system can infer that the upon power up of the headphones, the headphones will be used by a rear passenger having different requirements from a front passenger and, therefore, the system can automatically enter a very specific



Appln. No. 10/637,211

Attorney Docket No. 10541-1810

mode, unique to such a vehicle audio system, where the set of rear speakers are deactivated, the switch begins transmission of an audio signal from the second output channel to the headphone, the controls of the headphone configure the second output channel, and the front speakers continue to receive audio signals from the first output channel.

Yasuhara does teach a front and rear audio system, but cannot not identify whether the headphones are in use. Yasuhara does teach a rear power switch, but does not automatically switch to the specific mode claimed because it does not contemplate if the headphones are in use according to a power on control in the headphone thereby inferring the differing desires of the front and rear passenger and, therefore, Yasuhara relies on the settings of other audio selection controls.

Langer teaches a remote control unit that that sends a mute signal to disable all speakers of the audio system when the headphones are plugged into a remote control. However, Langer is for home audio use and does not consider the scenario where a front and rear user require separate audio outputs and separate channel control. Therefore, Langer does not even contemplate the specific mode claimed above.

Similarly, Mershon also teaches a system for home audio use and does not consider the scenario where a front and rear user require separate audio outputs and separate channel control. Mershon is used only to teach controls being implemented on a headphone, but again cannot contemplate the specific mode claimed above.

In addition, neither Yasuhara, Langer or Mershon teach the controls on the headphone controlling a second audio channel separate from the first audio channel provided to the front speakers.

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Appn. No. 10/637,211

Attorney Docket No. 10541-1810

For at least the reasons provided above, the combination of Yasuhara, Langer and Mershon do not teach the present invention according to claim 10. Further claims 14-17 depend from claim 10 and are, therefore patentable for at least the same reasons as given above in support of claim 10.

Similar to claim 10, claim 18 recites the step of deactivating the rear set of speakers, transmitting a second audio signal from a second channel of the audio system over a wireless communication link to the headphone, facilitating configuration of the second channel using controls on the headphone, and continuing to provide audio signals from the first output channel based on the control signal when the power on control is activated. Therefore, the reasoning applied to claim 10 above is equally applicable to claim 18.

Further claims 19-23 depend from claim 18 and are, therefore, patentable for at least the same reasons given above in support of claim 18.

Claim 9 is was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasuhara in view of Langer, U.S. Patent No. 6,212,282 B1 to Mershon (Mershon) and U.S. Patent No. 5,663,716 to Miwa et al. (Miwa).

Claim 9 has been cancelled rendering the rejection of claim 9 moot.

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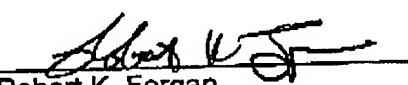
Appln. No. 10/637,211

Attorney Docket No. 10541-1810

**Conclusion**

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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